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8UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 JAMES M. KINDER,) Lead Case No.07cv2132 DMS (AJB)
12 Plaintiff,) Consolidated Action
13 v.)
14 NATIONWIDE RECOVERY SYSTEMS,) ORDER FOLLOWING CASE
INC.,) MANAGEMENT CONFERENCE
15 Defendants.)
16 _____)

17 On April 10, 2008, the Court convened a Case Management Conference in the above entitled
18 action. Appearing were Chad Austin, Esq. on behalf of plaintiff; Ron Giusso, Esq. on behalf of
19 defendant Harrahs; John Boynton, Esq., Ansis Biksnins, Esq. and Lauren Butz, Esq. on behalf of
20 defendant Bank First; Harvey Moore, Esq. on behalf of defendant Discover; David Leas, Esq. on behalf
21 of defendant Astra Business; Steve Baker, Esq. on behalf of defendant Enhanced Recovery; Debbie
22 Kirkpatrick, Esq. and David Shartle, Esq. on behalf of defendant Nationwide.

23 The Court and counsel discussed the current status of the consolidated cases. There are a variety
24 of motions pending, and more may follow. The current motions are set for hearing on April 25, 2008.
25 In addition, counsel are discussing stipulations to dismiss certain claims, while reserving appellate
26 rights, in light of Judge Sabraw's previous rulings. Discovery has remained stayed in all cases under the
27 Court's earlier order, allowing counsel the opportunity to devote their attention to the motions and
28 informal discussions with regard to case management.

Until the pleadings are settled, and the motions complete, it is difficult to create an effective case management plan scheduling these matters for ultimate pretrial and trial. Based thereon, the Court sets another telephonic Case Management Conference for ***May 29, 2008 at 9:00 a.m.*** Plaintiff's counsel will make arrangements for the conference call.

Until the next conference, discovery remains stayed in the consolidated cases. This order is without prejudice to a stipulation, or application, for relief from the stay in order to preserve evidence or to address motion related issues, as appropriate.

Prior to the consolidation order, a pretrial conference was set in 07cv877, *Kinder v. Bank First*, and trial in that case was set for October 20, 2008. In light of the consolidation, the various motions and the discovery stay warranted by the pleading practice and upon the stipulation of counsel, the consolidated actions will not likely be ready for the pretrial conference and trial date. With the permission of Judge Sabraw, the September 5, 2008, 10:30 a.m. final pretrial conference and the October 20, 2008 bench trial dates are *vacated*.

IT IS SO ORDERED.

DATED: April 10, 2008

Hon. Anthony J. Battaglia
U.S. Magistrate Judge
United States District Court